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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,124	12/28/2001	Paul Bourgine	1394-01	4810

35811 7590 04/07/2004

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EXAMINER	
UBILES, MARIE C	
ART UNIT	**PAPER NUMBER**
2642	9

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/046,124	Applicant(s) BOURGINE, PAUL	
	Examiner Marie C. Ubiles	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *28 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-7 rejected are under 35 U.S.C. 102(a) as being anticipated by White et al. (US 5,933,490).

As for claim 1, White et al. discloses an arrangement in a public telephone network offering intelligent services for automatically and dynamically redirecting calls to a provider of access (or ISP) (i.e. specific destination station) to an internetwork of computer network (i.e. a process for management of data transfer to a specific destination station)(*See Best Mode, Col. 6, lines 26-30*); each ISP having a hunt group of lines (i.e. having a plurality of real addresses)(*See Best Mode, Col. 14, lines 17-19*); an originating trigger is set in each end office (i.e. telecommunications supports) for the dial-up number of the ISCP (i.e. telecommunications supports) which connects to the hunt group, the ISCP preferably operates in conjunction with an intelligent peripheral platform or IP (i.e. telecommunications supports) (i.e. the process being applied to a multiplicity of telecommunications supports)(*See Best Mode, Col. 14, lines 20-30*); each ISP (i.e. destination station) provides access to the public using dial-up numbers (i.e. virtual address) which represent a hunt group of lines (i.e. ordered sequence), each of the hunt group lines has its own number (i.e. real addresses) which is unknown to the

caller (i.e. defining a virtual address of a destination station comprising an ordered sequence of real addresses of said destination station)(*See Best Mode, Col. 14, lines 17-20*); it is inherent from the use of a hunt group that a sequential search will be perform on the hunt group lines until a successful connection is achieved (i.e. sequentially searching through different real addresses until obtaining a positive response from a real address establishing a communications channel); and connecting to the Internet (i.e. transferring data by the communication channel.)(*See Best Mode, Col.15, lines 6-13*).

As for claim 2, White et al. discloses the method as claimed, wherein ISCP and/or an associated IP collects, compiles, and stores the following information: record and date and time stamp each instance of unavailability (i.e. failure) of each specified ISP dial-up number and record date and time of connection (i.e. success) of each calling party, these parameter are used to construct algorithms designed to signal overload and to trigger preventive action, such as line redirection (i.e. the process according to claim 1, wherein at each failure and/or success in establishing a communication, communication parameters are stored in a memory and data stored in the memory are processed to define optical communication establishment parameters.)(*See Best Mode, Col. 16, lines 52-60 and Col. 17, lines 21-25*).

As for claim 3, White et al. discloses the method as claimed, wherein when the ISP number is dialed by a caller, the originating trigger is actuated, the call is suspended, and the triggered end office launches a TCAP query to the ISCP, the ISCP is notified of each call to the ISP, and pursuant to agreement with the ISP, the ISCP

and/or associated IP collects, compiles and stores the information (*the "iterative" or repetitive process can be read on the collection, compilation and storage of information for each call dialed by a caller to the ISP*)(i.e. the process according to claim 2, wherein the processing performed on data stored in the memory is an iterative learning process)(*See Best Mode, Col.16, lines 50-55*).

As for claim 4, White et al. discloses the method as claimed, wherein the parameters are used to construct operating algorithms, the parameter and thresholds may be also used to identify conditions for discontinuing the line redirection, based on a change in the subsequent values of the same or additional parameters, as a neural network does, White's et al. system is designed to take a pattern of data and generalize from the aforementioned pattern (i.e. the process according to claim 3, wherein the iterative learning process uses a neural network)(*See Best Mode, Col. 17, lines 21-22 and 26-29*).

As for claim 5, White et al. discloses the method as claimed, wherein the ISCP and/or IP collects, compiles and stores instances of unavailability for each ISP dial-up number, connections and disconnections of each calling party, rate of calls to the ISP, average duration of calls, etc., this information is used to construct operating algorithms, as a statistical process, White's et al. system, collects, compiles and interprets numerical data. (i.e. the process according to claim 2, wherein the processing performed on data stored in the memory is a statistical processing)(*See Best Mode, Col.16, lines 50-55 and Col. 17, lines 21-29).*

As for claim 6, White et al. discloses the method as claimed wherein the ISCP and/or record date and time for each line in the hunt group and record of rate of unavailability of dial-up number (i.e. address) (i.e. the process according to claim 2, wherein the communication parameters are selected from the group consisting of date time and address)(*See Best Mode, Col. 16, lines 62-64 and Col. 17, lines 4-5*).

Claims 7 are rejected for the same reasons as claims 1-6.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Malik (US 6,519,333) teaches a system and method for enhanced Internet service connections.

Nishino (US 6,233,452) teaches that for connecting to the Internet, a service provider has a number of IP addresses, which are sequentially assigned to each of the contracted users who requests an Internet connection via a telephone line.

Selgas et al. (US 6571290) teaches that the Busy-Sequence sub-function sequentially attempts to make a connection to an ISP 102 at each location until either a successful connection is made or the user 110 aborts the connection attempt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
March 24, 2004

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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